

200.1133CON2

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Re: Application of: Benjamin Oshlack  
Serial No.: 10/701,041  
Filed: November 4, 2003  
For: **TAMPER-RESISTANT ORAL OPIOID AGONIST  
FORMULATIONS**

**PETITION TO ESTABLISH PRIOR RECEIPT IN THE U.S.P.TO. OF ITEM(S)  
CONSIDERED AS OMITTED**

MAIL STOP: MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

August 24, 2004

Sir:

Applicant petitions the Commissioner for Patents that the omitted item(s), page 50 of the specification, as noted in the Notice to File Corrected Application Papers dated June 24, 2004, a copy of which is enclosed, was in fact deposited in the U.S. Patent and Trademark Office with the nonprovisional papers on November 4, 2003. Applicant has enclosed a copy of the submitted item, page 50, which was included in the 86 page specification, claims, and abstract portion of the application, and a copy of the return postcard reflecting the receipt of the 86 pages, as evidence of such deposit.

In addition, in response to the Notice to File Corrected Application papers dated June 24, 2004, please find replacement drawings in compliance with 37 C.F.R. §1.84 and 37 C.F.R. §1.121 attached hereto.

A check for \$130.00 is enclosed which covers the petition fee in accordance with 37 C.F.R. §1.17(h).

08/26/2004 JBALINAN 00000134 10701041

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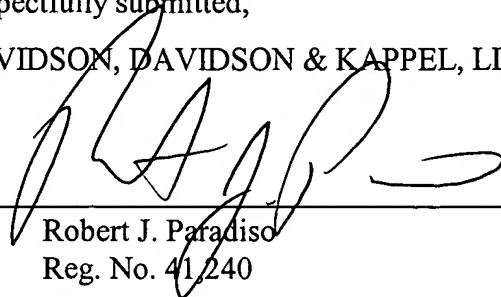
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Applicant respectfully requests that, upon grant of the petition under 37 C.F.R. 1.182, the petition fee be refunded, and the Commissioner is hereby authorized to credit the refund to Deposit Account No. 50-0552.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By

A large, stylized handwritten signature in black ink, appearing to read 'RJP', is written over a horizontal line.

Robert J. Paradiso  
Reg. No. 41,240

Davidson, Davidson & Kappel, LLC  
485 Seventh Avenue, 14th Floor  
New York, New York 10018  
(212) 736-1940

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, DC 20231



In re application of: Benjamin Oshlack

Serial No.: 10/701,041

Filed: November 4, 2003

For: TAMPER-RESISTANT ORAL OPIOID AGONIST FORMULATIONS

Sir:

Transmitted herewith is a **Petition to Establish Prior Receipt in the U.S.P.T.O. of Items Considered as Omitted**

☐ Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.

☐ Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.

☐ No fee for additional claims is required.

☐ A filing fee for additional claims calculated as shown below, is required:

FOR:	(Col. 1)	(Col. 2)		SMALL ENTITY		OR	LARGE ENTITY	
	REMAINING	HIGHEST		RATE	FEE		RATE	FEE
	AFTER	PREVIOUSLY	PRESENT					
	AMENDMENT	PAID FOR	EXTRA					
TOTAL CLAIMS	* Minus**	=	0	x \$	9		x \$	18
INDEP. CLAIMS	* Minus***	=	0	x \$	42		x \$	84
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+	\$140		+	\$280

TOTAL: \$            OR TOTAL: \$           

\* If the entry in Co. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

☒ Also transmitted herewith are:

☐ Petition

☒ Other: **Copy of Return Postcard (1 page)**

**Drawings (3 pages)**

☒ Check(s) in the amount of **\$130.00** is/are attached to cover:

☐ Filing fee for additional claims under 37 C.F.R. 1.16

☐ Petition fee for extension under 37 C.F.R. 1.136

☒ Other: **Petition Fee**

☒ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.

☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.

☒ Any patent application processing fees under 37 C.F.R. 1.17

☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

  
Robert J. Paradiso, Reg. No. 41, 240  
DAVIDSON, DAVIDSON & KAPPEL, LLC  
485 Seventh Avenue, 14<sup>th</sup> Floor  
New York, New York 10018  
Tel: (212) 736-1940  
Fax: (212) 736-2427

I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" in an envelope addressed to Mail Stop: Missing Parts, Commissioner for Patents, Alexandria, VA 22313-1450

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: 